

ESTTA Tracking number: **ESTTA280850**

Filing date: **04/29/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Sanofi-Aventis
Granted to Date of previous extension	04/29/2009
Address	174, avenue de France Paris, 75013 FRANCE

Attorney information	Midge M. Hyman Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES mmh@cll.com, trademark@cll.com Phone:212 790 9200
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### Applicant Information

Application No	77435141	Publication date	12/30/2008
Opposition Filing Date	04/29/2009	Opposition Period Ends	04/29/2009
Applicant	Hazle, Neil C 1022 Wellesley Los Angeles, CA 90049 UNITED STATES		

### Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Nutritional supplements; Nutraceuticals for use as a dietary supplement
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### Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2503413	Application Date	12/11/1998
Registration Date	11/06/2001	Foreign Priority Date	11/06/1998
Word Mark	AVENTIS		
Design Mark			

Description of Mark	NONE
Goods/Services	<p>Class 001. First use: [ HOUSE MARK FOR A FULL LINE OF CHEMICALS USED IN AGRICULTURE, HORTICULTURE, FORESTRY AND IN THE MANUFACTURE OF PHARMACEUTICALS; HOUSE MARK FOR PLANT GROWTH REGULATORS FOR AGRICULTURAL USE; HOUSE MARK FOR PREPARATIONS FOR THE TREATMENT AND PROTECTION OF SEEDS ]</p> <p>Class 005. First use: HOUSE MARK FOR A FULL LINE OF PHARMACEUTICAL [ AND VETERINARY] PREPARATIONS [; HOUSE MARK FOR MEDICAL DIAGNOSTIC REAGENTS FOR CLINICAL OR MEDICAL LABORATORY USE; HOUSE MARK FOR INSECTICIDES, PESTICIDES, FUNGICIDES AND HERBICIDES, ALL FOR AGRICULTURAL, COMMERCIAL AND DOMESTIC USE ]</p> <p>Class 010. First use: [ HOUSE MARK FOR SURGICAL, MEDICAL AND VETERINARY APPARATUS AND INSTRUMENTS, NAMELY, INHALERS FOR THERAPEUTIC USE AND PARTS AND FITTINGS THEREFOR, AEROSOL DISPENSERS FOR MEDICAL USE AND PARTS AND FITTINGS THEREFOR, AND DEVICES FOR THE INJECTION OF MEDICINES, NAMELY, HYPODERMIC NEEDLES, HYPODERMIC AND MEDICAL SYRINGES, PEN INJECTORS AND PARTS AND FITTINGS THEREFOR ]</p> <p>Class 031. First use: [ HOUSE MARK FOR SEEDS FOR AGRICULTURAL AND HORTICULTURAL PURPOSES; HOUSE MARK FOR NON-MEDICATED ADDITIVES FOR ANIMAL FEED ]</p>

U.S. Registration No.	3114466	Application Date	02/17/2005
Registration Date	07/11/2006	Foreign Priority Date	08/20/2004
Word Mark	SANOFI AVENTIS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 001. First use: chemicals for use in the manufacture of pharmaceuticals or cosmetics</p> <p>Class 003. First use: non-medicated skin care preparations; body soaps; toothpaste</p> <p>Class 005. First use: house mark for a full line of pharmaceuticals and pharmaceutical preparations</p> <p>Class 010. First use: surgical and medical apparatus and instruments for use in the field of oncology and cardiology, namely, syringes for medical use and urethral catheters</p> <p>Class 038. First use: electronic delivery of text, images and photographs; providing online chat rooms for transmission of messages among computer users in the field of pharmaceutical and medical developments</p>		

	<p>Class 042. First use:          providing medical research assistance to medical researchers; rental of laboratory equipment; biological, pharmaceutical and medical research; medical and scientific research, namely, conducting clinical research; hosting of web sites of others on the Internet in the field of medical and pharmaceutical information</p>
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U.S. Registration No.	3174254	Application Date	10/01/2004
Registration Date	11/21/2006	Foreign Priority Date	04/26/2004
Word Mark	SANOFI-AVENTIS		
Design Mark	<b>SANOFI-AVENTIS</b>		
Description of Mark	NONE		
Goods/Services	<p>Class 001. First use: chemicals for use in the manufacture of pharmaceuticals or cosmetics</p> <p>Class 003. First use: non-medicated skin care preparations; body soaps; toothpaste</p> <p>Class 005. First use: house mark for a full line of pharmaceuticals and pharmaceutical preparations</p> <p>Class 009. First use: pre-recorded audio cassettes, video cassettes, and multi-media software recorded on CD-ROMs in the field of pharmaceutical and medical developments; computer software for database management in the field of pharmaceutical and medical developments</p> <p>Class 010. First use: surgical and medical apparatus and instruments for use in the field of oncology and cardiology, namely, syringes for medical use and urethral catheters</p> <p>Class 016. First use: newspapers, periodicals, journals, and books in the fields of pharmaceuticals and medical developments</p> <p>Class 038. First use: electronic delivery of text, images and photographs; providing online chat rooms for transmission of messages among computer users in the field of pharmaceutical and medical developments</p> <p>Class 041. First use: organization of seminars, working groups, study groups and congresses, in the medical field; medical and pharmaceutical training; publishing of periodicals, books, guides and data bases in the medical field</p> <p>Class 042. First use: providing medical research assistance to medical researchers; rental of laboratory equipment; biological, pharmaceutical and medical research; medical and scientific research, namely, conducting clinical research; hosting of web sites of others on the Internet in the field of medical and pharmaceutical information</p> <p>Class 044. First use: medical evaluation services, namely, functional assessment programs for patients receiving medical treatment for the purpose of assessing medical treatment effectiveness; providing medical and pharmaceutical information;</p>		

	providing a database of medical and pharmaceutical information
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Attachments	79010818#TMSN.jpeg ( 1 page )( bytes ) 79007488#TMSN.jpeg ( 1 page )( bytes ) NOTICE OF OPPOSITION AGAINST AVANTI NUTRITIONALS.PDF ( 4 pages )(103365 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Midge M. Hyman/
Name	Midge M. Hyman
Date	04/29/2009

24224.347

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 77/435,141  
Filed: March 29, 2008  
For Mark: AVANTI NUTRITIONALS  
Published in the Official Gazette: December 30, 2008

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SANOFI-AVENTIS,

Opposer,

Opposition No.

-against-

**NOTICE OF OPPOSITION**

NEIL C. HAZLE,

Applicant.

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Commissioner for Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Sanofi-Aventis, a French corporation with an address at 174, Avenue de France, F-75013, Paris, France ("Opposer") believes that it will be damaged by registration of the mark AVANTI NUTRITIONALS for "nutritional supplements; nutraceuticals for use as a dietary supplement," and having been granted an extension of time to oppose until April 29, 2009, hereby opposes the same.

As grounds of opposition, it is alleged that:

1. Opposer is the owner of various trademarks, service marks, trade names and domain names comprising or containing the term AVENTIS, alone or with other words or

designs, (individually and collectively, the “AVENTIS Marks”) for a wide variety of goods and services, including Class 5 goods.

2. Since long prior to March 29, 2008 the claimed priority date for Applicant opposed, Opposer has used, advertised and promoted its AVENTIS marks in connection with a wide variety of goods and services, including Class 5 goods.

3. As a result of the extensive sales and promotion of the goods and services designated by Opposer’s AVENTIS Marks, Opposer has built up a highly valuable goodwill in the AVENTIS Marks, which have become closely and uniquely identified and associated with Opposer.

4. Opposer owns numerous U.S. Registrations for the AVENTIS Marks, including U.S. Registration Nos. 2,503,413; 3,114,466 and 3,174,254, each of which shows priority dates prior to any date upon which Applicant relies.

5. On or about March 29, 2008, Applicant Neil C. Hazle (“Applicant”) filed Application Serial No. 77/435,141 (the “AVANTI Application”) to register the mark AVANTI NUTRITIONALS (the “AVANTI Mark”) in International Class 5 for “nutritional supplements; nutraceuticals for use as a dietary supplement.”

6. Upon information and belief, Applicant did not use Applicant’s AVANTI Mark prior to its claimed filing of March 29, 2008, which substantially post-dates Opposer’s priority date.

7. The goods covered by the AVANTI Application are the same as or similar to the goods designated by Opposer’s AVENTIS Marks.

8. Applicant's AVANTI Mark so resemble Opposer's AVENTIS Marks as to be likely, when applied to Applicant's goods, to cause confusion, or to cause mistake or to deceive

prospective consumers into believing that the goods offered in connection with Applicant's AVANTI Mark are provided, approved, endorsed or sponsored by Opposer; or that the parties or their goods are otherwise associated, affiliated or connected in some way.


WHEREFORE, Opposer, by its attorneys, respectfully requests that its opposition be sustained and that the AVANTI Application for registration be denied.

Please recognize as attorneys for Opposer in this proceeding Midge Hyman, Jonathan Z. King and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Dated: New York, New York  
April 29, 2009

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.  
Attorneys For Opposer

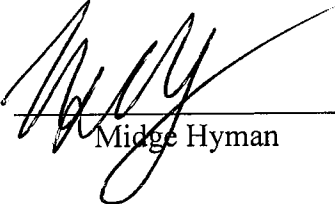
By:   
Midge Hyman  
Jonathan Z. King  
1133 Avenue of the Americas  
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(212) 790-9200

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 29, 2009, a copy of the foregoing Notice of Opposition to was served via first class, postage paid mail on applicant's counsel addressed as follows:

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Fross Zelnick Lehrman & Zissu, P.C.  
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Midge Hyman